

**REMARKS/ARGUMENTS**

The § 112 rejections are overcome by amendments to the relevant claims. Claims 28 and 29 are cancelled herewith.

In response to the Office action dated May 13, 2004, applicant has amended the claims to overcome the various rejections. This amendment is being filed in connection with an RCE application.

Claims 1, 3, 5, 7-9, 12-14, 16-17, and 21-23 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,638,565 to Pekar in view of U.S. Patent 5,727,270 to Cope, and further in view of U.S. Patent 2,604,641 to Reed. As amended herein, the claims are patentable over this combination of references.

Claim 1, as amended, is significantly different from Pekar. That claim includes the requirement of a first inflatable compartment having first and second layers connected by a strip having “substantially straight, vertically extending sides.” Such a straight, vertically extending side 19 is shown in Fig. 1 of the present application. Pekar, on the other hand, as construed by the Examiner in the present Office action, has curved sides. In fact, Pekar stresses the “hourglass configuration” of its structure. Col. 2, line 10. The only exception seems to be the embodiment of Fig. 9, but even in that embodiment the sides are not straight and vertically extending. Instead they are curved and appear to be disposed at roughly a 60 degree angle with respect to horizontal.

In addition, claim 1 requires that the second inflatable compartment have an “inflated height substantially less than the height of the first compartment.” This feature is illustrated most clearly in Fig. 5A of the present application. This feature is also described in paragraph 28 of the present application, which states: “It is preferred that

first compartment 13 be somewhat taller, when inflated, than second compartment 21.” In contrast, the inflatable compartments of Pekar are all of exactly the same height. This claimed feature results in a pillow-top mattress, which is completely lacking from Pekar.

Claim 1, as amended herewith, is allowable for all these reasons.

Note that the secondary reference, Cope, suffers from exactly the same deficiencies noted above with respect to Pekar. The tertiary reference, Reed, also fails to disclose the present invention. Note particularly that the compartments of Reed are identical in size.

The distinctions between these claims and the references pointed out in the previous amendment are still present as well.

Claim 3 depends from claim 1 and is allowable for the same reason as that claim. Claim 5 is cancelled herewith. Claims 7-9 and 12-14 also depend from claim 1 and are allowable therewith. Claims 13 and 14 are directed to the recess shown in Fig. 1 between the first and second compartments. In combination with the claimed straight sides of the first compartment, this feature provides a unique look to the mattress.

Claims 16, 17 and 21-23 also relate back to claim 1 and are allowable therewith.

Claim 4 is rejected over Pekar in view of Cope, further in view of Reed, and yet further in view of Saltness. Saltness teaches none of the features pointed out above as absent from Pekar. Claim 4 is, therefore, allowable for the same reasons as claim 1.

Claims 18-20 also relate back to claim 1 and are allowable therewith. These claims have been rejected based upon the above rejection, further in combination with U.S. Patent 6,332,760 to Chung. Chung shows a pump, which these claims are directed to, but seems to be silent on the features noted above as absent from Pekar.

The Examiner has also rejected claims 1, 3-5, 7-12, 15, 18-19, 21-23 and 30 under § 103(a) over U.S. Patent 5598593 to Wolfe in view of U.S. Patent 6,148,461 to Cook.

In this regard, the Examiner recognizes that Wolfe does not include the required fluid communication channel between the first and second compartments. The Examiner also recognizes that both Wolfe and Cook teach having the lower compartment at a higher pressure than the upper compartment. Wolfe accomplishes this by keeping the compartments completely separate, while Cook uses one-way valves 33 and non-return valve 27. In addition, Cook has a system for monitoring the pressure and inserting more air as necessary.

Claim 1, on the other hand, specifically requires that the fluid communication channel be always open—referred to in the claim as an “open fluid communication channel” (note that holes 35 in Fig. 4 are in fact always open)—so that the fluid pressures in the first and second compartments are equalized by movement of fluid from one compartment to the other. Note that this is exactly the opposite of what is taught in the Wolfe and Cook references. Wolfe and Cook have different structures from that presently claimed, and have a different purpose. Claim 1 is allowable for all these reasons.

Claims 3-4, 7-12, 15, 18-19 and 21-23 depend from claim 1 and are allowable for the same reasons as that claim. Claim 5 is cancelled herewith. Claims 27 and 30 are independent claims, both of which include the requirement of an “open fluid communication channel” which equalizes pressure in the first and second compartments. These claims are, therefore, also allowable for the same reasons as claim 1.

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Amendment dated December 10, 2004  
Reply to Office Action of June 10, 2004

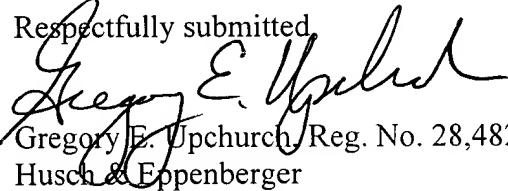
Claims 18 and 20 are also rejected over the Wolfe and Cook references, further in view of Chung. These claims relate back to claim 1 and are allowable therewith. Chung discloses a pump, but does not disclose anything discussed above as absent from the references.

In view of the above, all the rejections have been successfully overcome.

The Director is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 08-3460.

Applicants respectfully request that a Notice of Allowance of claims 1, 3, 4, 7-23, 27 and 30 (all the claims pending in this case) be issued.

Respectfully submitted,



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